

VILLAGE OF BIRCH RUN
COUNTY OF SAGINAW, MICHIGAN

Minutes of a regular meeting of the Village Council of the Village of Birch Run, Saginaw County, Michigan, held at the Village Hall located at 12060 Heath Street, Birch Run, Michigan, on the 25th day of November, 2024, at 7:00 p.m. Local Time.

PRESENT: COOK, RIEDEL II, WHITE, STAFFORD, COOK

ABSENT: none

The following ordinance was offered by RIEDEL II and supported by COOK.

ORDINANCE NO. 2024-02

**AN ORDINANCE TO AMEND CHAPTER 10 OF TITLE I OF THE VILLAGE OF
BIRCH RUN CODE**

[General Penalty]

THE VILLAGE OF BIRCH RUN ORDAINS:

Section 1. Section 10.99 of Chapter 10 of Title I of the Village of Birch Run Code is

hereby amended to read in its entirety as follows:

§ 10.99 GENERAL PENALTY.

(A) Any person violating any provision of this code for which a penalty is not otherwise specified, either in that provision or elsewhere in the code, shall be responsible for a municipal civil infraction and subject to Chapter 35 of the Code.

(B) Provisions of this code prescribing any penalty shall not apply to the failure of any village officer or employee to perform an official duty.

(C) Unless otherwise provided for by this or any ordinance, the sanction for a violation of this ordinance is a municipal civil infraction and shall be a civil fine in the amount as provided by this or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Ch. 87 of Public Act 236 of 1961, being M.C.L.A. §§ 600.101 through 600.9948, as amended, and other applicable laws.

(1) Unless otherwise provided for by this or any ordinance, the fine for a violation shall be \$100, plus costs and other sanctions for each infraction.

(2) The penalty shall not be increased for a repeat offense unless this or any ordinance provides otherwise.

(D) For purposes of this section, a **REPEAT OFFENSE** means a second (or any subsequent) civil infraction violation of the same requirements or provision (i) committed by a person within any three-year period (unless some period is specifically provided by this code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible.

(E) A violation includes any act which is prohibited, made or declared to be unlawful or an offense by this code or any ordinance, and any omission or failure to act where the act is required by this code or any ordinance.

(F) Each act of violation and each day on which any violation of this code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(G) In addition to any remedies available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this code or any village ordinance. The penalty or sanction shall be in addition to the abatement of the violating condition, any injunctive relief, revocation of any permit or license or other process.

(H) The penalties and sanctions provided by this section, unless another penalty or sanction as expressly provided, shall apply to the amendment of any section of this code and/or any addition to this code whether or not the penalty or sanction is reenacted in the amendatory ordinance.

(I) Any person violating any provision of this code for which the penalty is specified as a misdemeanor shall be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine of not more than \$500, or to imprisonment in the county jail for a period of not more than 90 days, or to both the fine and imprisonment in the discretion of the court.

Section 2. Severability. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Publication; Effective Date. This ordinance shall be published not less than ten (10) days following adoption in a local newspaper of general circulation in the Village. This ordinance shall become effective upon its publication.

